

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: **ORDER**
IN RE WORLD TRADE CENTER :
DISASTER SITE LITIGATION : 21 MC 100 (AKH)
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ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

The parties appeared before me on March 17, 2004 to show cause why the suspense docket in this consolidated action should not end and why plaintiffs, who had claims pending in the Victim Compensation Fund (VCF), as listed in the appendices to my Order of March 11, 2004, should be granted more time to dismiss their cases in this court. Based on the representations of counsel for these plaintiffs and the information provided by the VCF, and for the reasons stated on the record, I ordered that “the suspense docket shall continue until April 9, 2004 for those plaintiffs for whom the VCF has not yet made an eligibility determination.” Order of March 18, 2004, at paragraph C. Plaintiffs have informed the Court, by letter of Michael A. Barasch, dated April 9, 2004, that the VCF has not yet finished making eligibility determinations for the VCF claimants. I therefore Order the following:

A. Cases listed immediately below shall be dismissed as having elected to pursue claims with the VCF thereby waiving “the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001,” except for actions for collateral sources or against a knowing participant to the terrorist acts. See The Air Transportation Safety and System Stabilization Act 49 U.S.C. § 40101, Title IV Victim Compensation, § 405(c)(3)(B), Pub. L. No. 107-42, 115 Stat. 230, 240 (Sept. 22, 2001), as amended by Pub. L. No. 107-71, § 201, 115 Stat. 597, 645 (Nov. 19, 2001) (the Act):

1. 02 Civ. 08434 Hickey v. City of New York, et al.

2. 02 Civ. 9127 McGillick v. Port Authority
3. 02 Civ. 10275 Rementería, et al. v. City of New York
4. 02 Civ. 10270 Adams, et al. v. City of New York
5. 02 Civ. 10272 Greenwood, et al. v. City of New York
6. 03 Civ. 00033 Annerino, et al. v. City of New York
7. 03 Civ. 00035 Arocho, et al. v. City of New York
8. 03 Civ. 00036 Agugliaro, et al. v. City of New York
9. 03 Civ. 00037 Stephenson, et al. v. City of New York
10. 03 Civ. 00038 Accardo, et al. v. City of New York, et al.
11. 03 Civ. 02104 D'Elia v. City of New York
12. 03 Civ. 02621 Fucella, et al. v. City of New York
13. 03 Civ. 02622 McGrory v. City of New York
14. 03 Civ. 04064 Lazaar v. City of New York, et al.
15. 03 Civ. 05052 Romano v. City of New York

B. Any plaintiff in any of the actions listed in paragraph A, who is aggrieved by such dismissal, and who is found ineligible to claim to the VCF after exhausting all rights of review or appeal, may move to have his action restored. Any moving papers shall be served by hand by May 24, 2004. Any papers in opposition shall be served by hand by June 28, 2004. Any reply papers shall be served by hand by July 8, 2004.

SO ORDERED.

Dated: New York, New York
April 21, 2004

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ALVIN K. HELLERSTEIN
United States District Judge